

Schena, Cristeen

From: Phillips, Earl <EPHILLIPS@RC.com>
Sent: Tuesday, May 26, 2015 1:03 PM
To: Olivier, Tom
Subject: Re: Sims Metal Management: Clean Air Act Testing Order, and Reporting Requirement

Tom -

Thank you for the question in advance. The simple answer is that I will be at the meeting on behalf of SMM New England Corporation (SMM NEC), but that SMM NEC uses the d/b/a or Sims Metal Management at these facilities.

Sent from my iPad

On May 26, 2015, at 12:02 PM, "Olivier, Tom" <olivier.tom@epa.gov> wrote:

Earl: with respect to the issue of the owner or operator of the facilities in question, I attach a copy of various Sims Metal Management business cards presented to our inspectors at their visits. I don't know whether this is a complete set.

Will you also be representing Sims Metal Management at the meeting? I don't know that it is necessary that that entity be represented, I just want to be understand.

Thank you,
Tom

From: Phillips, Earl [<mailto:EPHILLIPS@RC.com>]
Sent: Friday, May 08, 2015 12:56 PM
To: Olivier, Tom
Cc: Schaefer, Jon; Rapp, Steve; Sansevero, Christine
Subject: Re: Sims Metal Management: Clean Air Act Testing Order, and Reporting Requirement
Tom -

Thank you for your email. We look forward to meeting.

While you and I have discussed this over the phone, I did want to reiterate for you and others on your team that the facilities of interest in the Testing Order and the Reporting Requirement communication are not owned or operated by Sims Metal Management Limited. We believe that the proper entity as related to EPA's interest is SMM New England Corporation (SMM) and I will be representing SMM at the meeting.

Best,
Earl

Sent from my iPad

On May 5, 2015, at 4:43 PM, "Olivier, Tom" <olivier.tom@epa.gov> wrote:

Earl and Jon: Thank you for working to arrange a meeting between Sims Metal Management Limited and EPA Region 1 on June 16, to discuss the Clean Air Act Testing Order dated April 7, 2015, and the Reporting Requirement of the same date. (I recognize that different corporate entities in the Sims "family" may be represented at the meeting.)

In light of the upcoming meeting, EPA Region 1 suspends the Testing Order until further notice. We look forward to a productive meeting. As I am sure you are aware, EPA Region 1 may at some time reinstate the Testing Order, or issue an alternative order or orders, in accordance with its authority under Section 114 of the Clean Air Act.

You have asked for additional time for the collection of information required under the Reporting Requirement, since it covers a number of facilities in New England. At this time Region 1 suspends the Reporting Requirement until the Region has had the opportunity to consult further with you and determine a workable timetable for the collection and submission of the required information. Region 1 may at some time reinstate the Reporting Requirement, establish a different schedule, or issue a different reporting requirement in accordance with its authority under Section 114.

Thank you for your cooperation. I look forward to meeting with you and your clients.

Thomas T. Olivier

Senior Enforcement Counsel

EPA Region 1

This transmittal may be a confidential attorney-client communication or may otherwise be privileged or confidential. If it is not clear that you are the intended recipient, you are hereby notified that you have received this transmittal in error; any review, dissemination, distribution, or copying of this transmittal is strictly prohibited. If you suspect that you have received this communication in error, please notify us immediately by telephone at 1-860-275-8200, or e-mail at it@rc.com, and immediately delete this message and all its attachments.
